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[CLICK ON HERE FOR THE CHIEF EXECUTIVE OFFICER'S REPORT DATED  
OCTOBER 15, 2015](#)

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TASKFORCE'S REPORT DATED DECEMBER 18, 2015](#)



# County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

SACHI A. HAMAI  
Chief Executive Officer

October 15, 2015

To: Supervisor Michael D. Antonovich, Mayor  
Supervisor Hilda L. Solis  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe

From: Sachi A. Hamai  
Chief Executive Officer

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## **BOARD REPORT BACK ON COLLECTION OF VICTIM RESTITUTION (ITEM NO. S-1, AGENDA OF SEPTEMBER 15, 2015)**

Pursuant to a September 15, 2015 motion amended by Supervisor Mark Ridley-Thomas, the Board instructed the Interim Chief Executive Officer to report back to the Board on the balance, processes, and oversight of the inmate trust fund and, recommendations on streamlining and integrating the process for tracking restitution being collected and paid.

Currently, there are three funds managed by the Departments of the Sheriff and Probation:

- The Inmate Trust account (balance of \$3,542,294 as of September 15, 2015) is administered by the Sheriff's Department (Attachment A);
- The Inmate Welfare Commission acts in an advisory capacity to the Sheriff for the disbursement of the Inmate Welfare Fund (balance of \$40,447,347 as of September 15, 2015) (Attachment B); and
- The Victim's Assistance account (balance of \$426,301 as of August 30, 2015) is administered by the Probation Department (Attachment C).

*"To Enrich Lives Through Effective And Caring Service"*

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Each Supervisor  
October 15, 2015  
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Attached are fact sheets for each of the respective funds including existing departmental protocols. These protocols are governed by Departmental policy, California Penal Code, California Government Code and the County Fiscal Manual.

Additional recommendations on streamlining and integrating the process for tracking restitution being collected and paid include establishing a governing body of authority under the Countywide Criminal Justice Coordination Committee (CCJCC) Restitution Collection Taskforce which is comprised of representatives from CCJCC, District Attorney, Probation, Sheriff, Chief Executive Office, County Counsel, Auditor-Controller, Information System Advisory Board, and Treasurer-Tax Collector. This Taskforce will:

- Ensure that there is an accurate accounting of the funds applied to restitution as well as the balance from the Sheriff's collections upon the inmate's release;
- Prepare a monthly collection report accessible to all impacted departments; and
- Expand the victim restitution processes to include restitution fines, as the scope should not be limited to direct restitution orders.

Should you have any questions or require additional information, your staff may contact Sheila Williams, Public Safety, at (213) 974-1155.

SAH:JJ:SK  
SW:AHW:cc

#### Attachments

c: Executive Office, Board of Supervisors  
County Counsel  
Sheriff  
Probation

## **INMATE WELFARE FUND**

### **Description of Program**

The Inmate Welfare Fund (IWF) is generated by the revenue of sales of 'store' goods to the inmates, telephone company commission for the use of pay telephones by inmates, and 10% of gross sales of inmate hobbycraft.

### **Administrator of the Fund**

The Inmate Welfare Commission acts in an advisory capacity to the Sheriff for the disbursement of the IWF monies. The decision to establish the IWF and the Inmate Welfare Commission was done so at the discretion of the Sheriff. In addition, the Sheriff has the discretion to change the members and the size of the commission. Assistant Division Director Karen Dalton serves as the Executive Director of the Inmate Welfare Fund.

The nine (9) current Commissioners are Raymond Cheng, Dr. Garbis Der-Yeghiayan, Keith R. Ellis, John A. Franklin, Robert L. Jones, Christopher C. Leu, Andy Lujan, Dr. Maria Simms, and Jay R. Stroh (Chairman).

The Inmate Welfare Commission will have eleven (11) members, of which seven (7) are new Commissioners and four (4) are existing Commissioners. The names of the seven (7) new Commissioners, who will be sworn in on or before October 1, 2015, are Gregory Boyle, Brent Braun, Jayna Gaskell, Tamerlin Godley, Gregory Sanders, Larry Thompson, and Wellford Wilms. The names of the four (4) existing Commissioners are Dr. Garbis Der-Yeghiayan, Keith R. Ellis, John A. Franklin, and Robert L. Jones (incoming Chairman). Jay R. Stroh will participate in a non-voting capacity as an Emeritus Commissioner.

### **Current Balance**

As of Sept. 15, 2015, the IWF reflects a cash balance of \$40,447,347.

### **Protocols**

The IWF is governed by California Penal Code Section 4025 which specifically describes how the IWF money can be used. In general, the IWF money shall be used primarily for the benefit, education, and welfare of the inmates confined within the jail. There are also specific directions for the use of the remaining funds in the account (should there be any).

### **California Penal Code Section 4025**

(a) The sheriff of each county may establish, maintain and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and sell these goods, articles, and supplies for cash to inmates in the jail.

(b) The sale prices of the articles offered for sale at the store shall be fixed by the sheriff. Any profit shall be deposited in an inmate welfare fund to be kept in the treasury of the county.

## INMATE WELFARE FUND

(c) There shall also be deposited in the inmate welfare fund 10 percent of all gross sales of inmate hobbycraft.

(d) There shall be deposited in the inmate welfare fund any money, refund, rebate, or commission received from a telephone company or pay telephone provider when the money, refund, rebate, or commission is attributable to the use of pay telephones which are primarily used by inmates while incarcerated.

(e) The money and property deposited in the inmate welfare fund shall be expended by the sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail. Any funds that are not needed for the welfare of the inmates may be expended for the maintenance of county jail facilities. Maintenance of county jail facilities may include, but is not limited to, the salary and benefits of personnel used in the programs to benefit the inmates, including, but not limited to, education, drug and alcohol treatment, welfare, library, accounting, and other programs deemed appropriate by the sheriff. Inmate welfare funds shall not be used to pay required county expenses of confining inmates in a local detention system, such as meals, clothing, housing, or medical services or expenses, except that inmate welfare funds may be used to augment those required county expenses as determined by the sheriff to be in the best interests of inmates. An itemized report of these expenditures shall be submitted annually to the board of supervisors.

(f) The operation of a store within any other county adult detention facility which is not under the jurisdiction of the sheriff shall be governed by the provisions of this section, except that the board of supervisors shall designate the proper county official to exercise the duties otherwise allocated in this section to the sheriff.

(g) The operation of a store within any city adult detention facility shall be governed by the provisions of this section, except that city officials shall assume the respective duties otherwise outlined in this section for county officials.

(h) The treasurer may, pursuant to Article 1 (commencing with Section 53600), or Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, deposit, invest, or reinvest any part of the inmate welfare fund, in excess of that which the treasurer deems necessary for immediate use. The interest or increment accruing on these funds shall be deposited in the inmate welfare fund.

(i) The sheriff may expend money from the inmate welfare fund to provide indigent inmates, prior to release from the county jail or any other adult detention facility under the jurisdiction of the sheriff, with essential clothing and transportation expenses within the county or, at the discretion of the sheriff, transportation to the inmate's county of residence, if the county is within the state or within 500 miles from the county of incarceration. This subdivision does not authorize expenditure of money from the inmate welfare fund for the transfer of any inmate to the custody of any other law enforcement official or jurisdiction.

## **INMATE TRUST ACCOUNT**

### **Description of Program**

The Inmate Trust Accounts are in essence bank accounts which are individual to each inmate. Money (with some exceptions) with the inmate at the time of their arrest is added to their account, in addition to money placed in the account by a member of the public on the inmate's behalf. The inmates use their own trust account to purchase goods from the jail store.

### **Current Balance**

As of Sept. 15, 2015, the Inmate Trust Account reflects an ending fund balance of \$3,542,294.

### **Administrator of the Fund**

Sheriff's Department

### **Protocols**

**Sheriff Policy, Custody Division Manual of Policy and Procedures Section 5-06/015.00**

**(Last updated on May 14, 2015)**

Inmates will be allowed to have a maximum of \$900 in a trust fund account for their use during their stay in a custody facility. Trust fund account expenditures include, but are not limited to, phone cards, vending, commissary and third party withdrawals.

The maximum amount that an inmate may withdraw for personal use is \$195 a week. This includes money spent for phone cards, vending, and commissary.

The maximum amount for third party withdrawals is \$300 a week. This amount will not affect the inmate's ability to purchase phone cards, vending, and canteen items not to exceed \$195 a week.

The exception to the \$900 limit is for those inmates who had more than \$900 in their possession at the time of their arrest, and did not release that money during the booking process. Inmates in this situation shall not be allowed to receive deposits until their account contains less than \$900. Deposits that put an account over the \$900 limit will be refused or mailed back to the sender.

All third party deposits and withdrawals made at the Cashier window will require a valid governmental identification, with photo. This includes all identification issued by foreign governments, as well as those issued by local, state or the federal government.

Any deviation to this policy must be approved by the Inmate Reception Center watch commander.



## **VICTIM'S ASSISTANCE FUND**

### **Description of Program**

The account was established for unclaimed restitution payments per California Government Code Section 50050.

### **Current Balance**

As of August 31, 2015, the Victim's Assistance Account (TK7-7342) reflects an ending fund balance of \$426,301.37.

### **Administrator of the Fund**

The Probation Department

### **Protocols**

To deposit unidentified payments received by the Probation Department that did not include account number. Once the payments are identified a request is sent to Treasurer and Tax Collector to post the payment to their respective Collections Account Receivable System (CARS) Account.

The Victim's Assistance Fund is governed by California Government Code Section 50050, the County's Fiscal Manual (specifically Section 2.6.0 – Unclaimed Funds) and the Probation Department's Collection Section's unit procedures.

### **CALIFORNIA GOVERNMENT CODE SECTION 50050**

For purposes of this article, "local agency" includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. If a local agency elects to use the money for purposes of victim services, the local agency shall first document that it has made a reasonable effort to locate and notify the victim to whom the restitution is owed. The local agency may utilize fees collected pursuant to subdivision (l) of Section 1203.1 or subdivision (f) of Section 2085.5 of the Penal Code to offset the reasonable cost of locating and notifying the victim to whom restitution is owed. With respect to moneys deposited with the county treasurer pursuant to Section 7663 of the Probate Code, this three-year period to claim money held by a local agency is extended for an infant or person of unsound mind until one year from the date his or her disability ceases.

For purposes of this section, "infant" and "person of unsound mind" have the same meaning as given to those terms as used in Section 1441 of the Code of Civil Procedure.

*(Amended by Stats. 2013, Ch. 457, Sec. 1. Effective January 1, 2014.)*

## VICTIM'S ASSISTANCE FUND

### COUNTY FISCAL MANUAL

#### 2.6.0 UNCLAIMED FUNDS

##### 2.6.1 Disposition of Unclaimed Funds

Pursuant to California Government Code Sections 50050 through 50057, the Los Angeles County Treasurer and Tax Collector is responsible for the disposition of unclaimed funds. Unclaimed funds consist of funds that are not the property of Los Angeles County, and are not covered by a special legal restriction of law, and remain unclaimed in the County Treasury or in the official custody of a County officer for three or more years without a claim being filed.

**Departments cannot hold unclaimed funds past statutory requirements.** If your department has unclaimed funds that have been on deposit for three or more years, disposition of the monies does not fall under any other legal requirements, and the unclaimed funds appear to qualify under California Government Code Sections 50050 through 50057, please contact the County Treasurer and Tax Collector.

##### 2.6.2 Rule Applicability

California Government Code Sections 50050 through 50057 govern the treatment of funds that remain unclaimed. Unclaimed funds consist of funds that are not the property of Los Angeles County and are not covered by a special legal restriction of law, and remain unclaimed in the County Treasury or in the official custody of a County officer for three or more years without a claim being filed. In general, these procedures apply to any funds that are unearned and which a County department is holding on behalf of a third party. Examples of unclaimed funds that may be in the possession of County departments include, but are not limited to, the following:

- Funds which a health or public safety department is safekeeping on behalf of a client and the department is unable to return the funds to the client for various reasons (e.g., the department is unable to locate the client or the client abandoned the funds, etc.)
- A refundable security deposit, which a department is safekeeping and the department is unable to return the security deposit because the depositor cannot be located.
- A payment made to a department, which the department is unable to apply due to insufficient information.

These procedures do not apply to found money and property as described in the Los Angeles County Code Chapter 4.40 (Unclaimed Personal Property). In instances when a department finds money or property as described in the Los Angeles County Code

## VICTIM'S ASSISTANCE FUND

Chapter 4.40 and the owner does not claim within three months of being found by the department, the department shall immediately deliver found money to the Los Angeles County Treasurer and Tax Collector (TTC) and dispose of found personal property pursuant to the guidelines under the Los Angeles County Code Chapter 4.40.050.

In general, the California Government Code requires County departments and other officers of the County to transfer all unclaimed funds to the TTC for disposition as follows:

- Pursuant to California Government Code Sections 50050-50051, unclaimed funds that are fifteen dollars (\$15) or greater, and where the depositor's name is known and which have been held for over three years may be published in a newspaper of general circulation once a week for two successive weeks and if not claimed within forty-five days after the first date of publication, should be transferred to the County's general fund. Under Government Code Sections 50050 through 50057, only the TTC may cause a notice to be published, process related claims, and transfer funds that remain unclaimed to the general fund.

Pursuant to California Government Code Section 50057, effective August 16, 2005, the Los Angeles County Board of Supervisors delegated to the TTC the authority to transfer to the general fund, individual items in the amount of one thousand dollars (\$1,000) or less which have been unclaimed in the County Treasury for three years, following public notice in a newspaper publication and individual items for which the depositor's name is unknown for one year. The TTC will notify the Department of Auditor-Controller of funds transferred under this delegated authority

- Pursuant to California Government Code Section 50055, unclaimed funds of individual items that are less than fifteen dollars (\$15), or individual items for which the depositor's name is unknown for more than one year, may be transferred to the general fund without the condition of publication, by the TTC.

It is the responsibility of each of the County departments to account for all unclaimed funds and make appropriate and reasonable efforts to refund the unclaimed funds prior to referring the unclaimed funds to the TTC. **Departments shall not hold unclaimed funds past statutory requirements.**

### 2.6.3 Detailed Referral Procedures

If a department has unclaimed funds that have been on deposit for three or more years, disposition of the monies does not fall under any other legal requirements, and qualifies under Government Code Sections 50050 through 50057, a referral letter (See Section 2.6.4) must be submitted to the Treasurer and Tax Collector, Internal Controls Branch. Upon receipt of the referral letter, the TTC will work with the department to process the claims for unclaimed funds.

## VICTIM'S ASSISTANCE FUND

Procedures for the referral of unclaimed funds to the TTC:

- Departments should submit an unclaimed funds referral letter (See Section 2.6.4) to TTC, signed by the Department's Fiscal Officer or above. The detail listing of the items must accompany the letter in a hard-copy format as well as in a Microsoft Excel file to the Internal Controls Branch, Unclaimed Funds Section. The Microsoft Excel file may be forwarded to the Internal Controls Branch, Unclaimed Funds Section via e-mail as indicated below. The listing must include the following information, and be in the following format:

COLUMN A Department/ Division	COLUMN B Date of Deposit	COLUMN C Name	COLUMN D Amount	COLUMN E Departmental Reference No. (or other identifying information)	COLUMN F Other Pertinent Information
Division A	05/06/98	Park, Jason	\$ 500	1234	
Division A	12/31/98	Smith, Joan	\$ 1,000	5678	

Send the referrals to:

Treasurer and Tax Collector  
County of Los Angeles  
Internal Controls Branch, Unclaimed Funds Section  
500 West Temple Street, Room 462  
Los Angeles, CA 90012  
(213) 974-8442  
E-mail address: [uncfunds@ttc.lacounty.gov](mailto:uncfunds@ttc.lacounty.gov)

After TTC receives the Department's referral letter, TTC will contact and instruct the department to transfer, by using the Journal Voucher Cash Transfer (JVCT) document, the unclaimed monies from its trust account to TTC's trust account (TTC-Unclaimed Fund Referrals, TK7-7810) established for processing unclaimed funds of referring departments. TTC will publish unclaimed funds of referring departments at least once a year.

- The department must identify any additional claiming requirements to be included in the publication.
- Once TTC verifies that the department transferred the funds to TTC's trust account and agrees with the detail listing, TTC will prepare and send the notice of publication to the appropriate newspaper agency for items that are fifteen dollars (\$15) or greater and where the depositor's name is known (See Section 2.6.5).
- Unless TTC agrees to an alternative procedure at the request of a referring department, TTC will take phone inquiries and review all claims. The claim must be notarized and in affidavit form (See Section 2.6.6). TTC will confer with the referring department to ensure the documents submitted are appropriate and

## VICTIM'S ASSISTANCE FUND

prove claimant ownership of the funds. Examples of appropriate documents may include copies of the front and back of the cancelled check, the receipt for deposit or payment, the invoice stamped "PAID" by the Department (including the amount and date paid, and a copy of a valid driver's license).

Departments should use the guidelines provided by the Department of Auditor-Controller that are located on the Uncashed County Checks website (<http://cmsapp.co.la.ca.us/auditor/uncashed/claimchecks.cfm>) to determine the types of documents that may be required for claims by partnerships, corporations, and executors/heirs of decedent estates.

- After TTC reviews the claim for appropriateness and ensures a copy of the affidavit and supporting documents are attached to the claim, TTC will approve the claim and will authorize the issuance of a warrant to the claimant. If TTC denies a claim, TTC will notify the claimant.
- Once the claiming period has expired (forty-five days after the first date of publication), TTC will prepare a JVCT to transfer any remaining unclaimed amounts from the trust fund to the County's general fund.

### 2.6.4 Unclaimed Funds Referral Letter

[DEPARTMENT LETTERHEAD]

[Date]

Name of Treasurer and Tax Collector  
Treasurer and Tax Collector  
500 West Temple Street, Room 462  
Los Angeles, CA 90012

Attention:  
Internal Controls Branch  
Unclaimed Funds Section

**SUBJECT: UNCLAIMED FUNDS PURSUANT TO CALIFORNIA GOVERNMENT  
CODE SECTION 50050**

Dear Name of Treasurer and Tax Collector:

Our department has unclaimed funds totaling \$[amount] that have been on deposit with our office in excess of three years. Our department has made appropriate and reasonable efforts to refund unclaimed funds. The monies are currently being held in trust fund/account [Description/Fund/Account]. Disposition of the monies does not fall under any other legal requirements and qualifies under California Government Code Sections 50050 through 50057. We are requesting that the Treasurer and Tax Collector process these funds in accordance with California Government Code Section 50050.

## VICTIM'S ASSISTANCE FUND

### [Background of unclaimed monies]

The attached provides the detail (date of deposit, names, amounts, etc.) of the unclaimed monies.

Please contact me if you require additional information.

Very truly yours,

*[Fiscal Officer or above]*

*[Title]*

### 2.6.5 Public Notice of Unclaimed Funds

#### NOTICE OF UNCLAIMED FUNDS

Pursuant to Sections 50050 through 50057, inclusive, of the Government Code of the State of California, notice is hereby given that the Treasurer and Tax Collector of the County of Los Angeles has unclaimed monies held in excess of three years totaling \$[Amount], and if not claimed by *[Date-forty-five days after the first date of publication]*, said funds will be transferred to the general fund and become the property of the County of Los Angeles. Such funds are being held in the Los Angeles County trust fund TTC-Unclaimed Fund Referral, TK7-7810.

Listing of Unclaimed Funds:			
<u>Date</u>	<u>Name</u>	<u>Amount</u>	<u>Other Pertinent Information</u>

A party of interest must submit a notarized affidavit, which must include the claimant's name, address, amount of claim, and the grounds on which the claim is founded. Proof/s of identity as well as proof of payment, such as a cancelled check or a receipt for deposit or payment must also be submitted. The completed claim and supporting documents should be postmarked no later than *[Date-forty-five days after the first date of publication]* and forwarded to:

Treasurer and Tax Collector  
County of Los Angeles  
Internal Controls Branch, Unclaimed Funds Section  
500 West Temple Street, Room 462  
Los Angeles, CA 90012

Should additional information be required, please call (213) 974-8442.

## VICTIM'S ASSISTANCE FUND

### 2.6.6 Affidavit of Ownership and Indemnity Agreement

#### AFFIDAVIT OF OWNERSHIP AND INDEMNITY AGREEMENT

By signing below, I affirm under penalty of perjury that:

1. I am the owner of unclaimed funds presently being held by the Los Angeles County Treasurer and Tax Collector and identified in the legal notice published by the Treasurer as follows:

Newspaper: \_\_\_\_\_ Date of Publication: \_\_\_\_\_  
Name/Description: \_\_\_\_\_ Amount: \_\_\_\_\_

2. Proof of my ownership of the funds arises from the following facts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and that documents which prove my ownership of the funds are attached. (Please attach additional sheets if necessary).

3. I hereby request that a warrant to be made payable to me and mailed to the address indicated below.
4. I agree to indemnify and hold harmless the County of Los Angeles, its officers and employees from any loss resulting from the payment of this claim.

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Claimant (PRINT)

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address (PRINT)

\_\_\_\_\_  
City, State, Zip (PRINT)

State of \_\_\_\_\_

County of \_\_\_\_\_

} ss

Subscribed and sworn to (or affirmed) before me on

This \_\_\_\_\_ day of \_\_\_\_\_ by  
Date Month Year

(1) \_\_\_\_\_  
Name of Signer(s)

(2) \_\_\_\_\_  
Name of Signer(s)

Proved to me on the basis of satisfactory evidence to be  
the person(s) who appeared before me.

(Seal) Signature \_\_\_\_\_

## **VICTIM'S ASSISTANCE FUND**

### **PROBATION'S COLLECTION SECTION UNIT PROCEDURES**

#### **RECEIPT AND DISTRIBUTION OF CANCELLED WARRANT REPORT**

- 1) The Cancelled Warrant Report excel spreadsheet received from the Office of the Treasurer and Tax Collector (TTC), by Probation Department Collections Manager.
- 2) The Cancelled Warrant Report is assigned to Collections staff, for skip tracing.
- 3) The date assigned to staff is recorded on the Report listing.
- 4) The Collection staff prints a copy of the victim's information from the accounts receivable system (CARS) and Adult Probation System (APS) for each account assigned.
  - a) If staff is unable to locate victim information in CARS and/or APS, the account will be researched in PEDMS.
- 5) Staff checks Lexis-Nexis, DMV, and all other available skip tracing systems including, online White Pages, 411, Rootsweb.com, U.S. Postal Service, FDIC, and the National Information Center, for a current phone number and/or updated address.

#### **IF STAFF FINDS A CURRENT PHONE NUMBER FOR VICTIM**

Staff makes an attempt to contact the victim by phone.

- 1) If Staff contacts the victim, the following information is verified before informing victim of unclaimed funds:
  - Name
  - Previous Address
  - Defendant's Name
  - Nature of the Offense
  - Court Case Number (if possible)
  - a. Upon verification of information, staff informs victim of unclaimed funds and obtains a current address
  - b. Staff sends a confirmation letter to the victim, of unclaimed funds
  - c. Staff records finding on their assigned Report listing and in the CARS system
- 2) If staff fails to contact victim at the phone number found:
  - a. Staff leaves a message for victim, asking for a return call regarding an important business matter.
  - b. If victim fails to return call, staff makes two additional attempts, on two separate dates
  - c. If victim fails to return call after additional attempts, staff will send a letter to the victim at address found (See procedures IF STAFF FINDS A NEWER ADDRESS FOR VICTIM)

## **VICTIM'S ASSISTANCE FUND**

- d. If victim fails to return call after additional attempts and staff is unable to locate an updated address for the victim, staff records attempt dates/times on their assigned Report listing and in the CARS system.

### **IF STAFF FINDS A NEWER ADDRESS FOR VICTIM**

Staff mails a letter to the victim. The letter informs the victim there may be collected payments placed on hold, due to returned mail. The letter asks the victim to verify (in writing) the following information to identify them as the actual victim and supplies a fax number and mailing address to respond:

- Previous Address
- Defendant's Name
- Nature of the Offense
- Court Case Number (if possible)
- Current Daytime Telephone Number

- 1) If victim responds with written verification of information, staff contacts victim, by telephone, to confirm receipt of information.
  - a. Staff records finding on Report listing
- 2) If victim fails to respond to letter, staff sends another letter to victim, allowing an additional 30 days to respond.
  - a. Staff makes three attempts to contact victim at newer address found.
  - b. If victim fails to respond to letter after third attempt, staff marks PENDING on assigned Report listing, with date of attempts and allows 6 months before repeating attempts.

### **IF VICTIM RESPONDS WITH INCORRECT VERIFICATION INFORMATION**

Staff will send a letter stating we were unable to verify the information provided. Letter will also request that victim contact staff listed on letter for additional verification information.

### **IF NEITHER A MORE UPDATED PHONE NUMBER OR NEWER ADDRESS IS FOUND FOR VICTIM**

A letter is sent to victim's old address.

If no response, staff will mark PENDING on Report listing, with date of skip tracing attempts and allow 6 months before repeating attempts to locate victim.

## **VICTIM'S ASSISTANCE FUND**

### **ONCE STAFF COMPLETES ALL ASSIGNED SKIP TRACING ATTEMPTS**

- 1) Staff confirms all assigned skip tracing attempts are recorded on Report listing and forwards to the Probationer Accounts Unit supervisor.

### **PROCESSING SKIP TRACING FINDINGS**

Upon receipt of staffs' findings from the Probationer Accounts Unit supervisor will assign results to accounting clerical staff for processing, as follows:

If new address found for victim:

Accounting clerk will:

1. Update victim's information in APS.
2. Via a nightly automated transfer, the victim's information will update in CARS the next business day.
3. Prepare a memo to TTC, requesting re-issuance of the payment in accordance with the update information provided. The memo indicates the cancelled warrant number, date and amount.
4. Record memo request date on Cancelled Warrant Report excel spreadsheet.
5. TTC will confirm receipt of request to re-issue payment.

If no new address found for victim:

Accounting clerk will:

1. Record attempt information on Cancelled Warrant Report excel spreadsheet.
2. File backup documents for future skip tracing by Staff.



# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE




SUPERVISOR HILDA L. SOLIS • CHAIR  
DISTRICT ATTORNEY JACKIE LACEY • VICE-CHAIR  
MARK DELGADO • EXECUTIVE DIRECTOR

500 WEST TEMPLE STREET, ROOM 520  
LOS ANGELES, CA 90012  
(213) 974-8398

December 18, 2015

TO: Supervisor Hilda L. Solis, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

FROM: Lydia Bodin   
Chair, CCJCC Restitution Collection Taskforce  
Deputy in Charge, Los Angeles County District Attorney's Restitution Enhancement Program (REP)

SUBJECT: Collection of Victim Restitution from Individuals in Custody or Under Community Supervision Due to Public Safety Realignment (Item S-1 – November 12, 2014; August 4, 2015; September 15, 2015)

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On November 12, 2014, your Board directed the Countywide Criminal Justice Coordination Committee (CCJCC) to establish a taskforce to develop recommended local processes for collecting restitution from offenders in county jail pursuant to a Penal Code section 1170(h) sentence. Chaired by the District Attorney's Office, the established taskforce includes representatives from the departments of Sheriff, Probation, Treasurer and Tax Collector, Auditor-Controller, Chief Executive Office, Public Defender, and County Counsel.

Following presentations to your Board on August 4<sup>th</sup> and September 15<sup>th</sup>, your Board approved a motion adopting the taskforce's recommendations and authorized restitution order collections from all populations subject to custody or supervision pursuant to Public Safety Realignment (AB 109). This report provides an update on the plan to implement collections.

## **Overview**

Consistent with the Board's authorization and direction, the taskforce is planning for the collection of restitution from inmates sentenced to county jail pursuant to Penal Code 1170(h), individuals on mandatory community supervision following a split sentence, and individuals on Post-Release Community Supervision (PRCS) following release from state prison.

As discussed in previous reports, key issues are being addressed to prepare for full implementation:

- **Information Technology Infrastructure Needs** – A core component of the restitution collection plan is the establishment of a centralized data system that can track restitution orders and collections history. The Treasurer and Tax Collector's "Collections and Accounts Receivables System" (CARS) – which is currently used for felony probation collections – has been identified to serve this function (Attachment A). The Treasurer and Tax Collector (TTC) is in the midst of a solicitation to modernize the system and enhance its functionality.

In addition, modifications to other departments' systems and the development of system interfaces are planned to integrate with the CARS successor system. This will allow restitution data input from one department's system to be auto-populated into CARS and reflected across other departments' systems.

- **Resource Needs Assessment** – As the taskforce proceeds with implementation, departments continue to assess workload increases related to collections. A 10 percent administrative fee will be collected to support operations, but as previously reported, the taskforce anticipates additional resources will be needed, including for information systems infrastructure costs. These costs are being estimated by TTC, the Sheriff's Department, and Probation.

Agencies continue to address these matters so that a fully integrated, system wide collection program can be implemented. However, because building the needed information technology infrastructure to support a fully integrated system will take several months, taskforce members have decided to initiate collections in a three-phase approach:

- Phase I will include collections on individuals supervised by Probation following a split sentence;
- Phase II will include collections on PRCS-supervised individuals; and
- Phase III will include collections on jail inmates serving an 1170(h) sentence.

This approach will enable departments to implement new collection practices while the information technology infrastructure is being built. In addition, the taskforce can track collections and monitor implementation in each phase to identify issues that may arise prior to expanding to additional populations. Knowledge gained will inform future collections and refine system functionality needs.

Finally, a phased approach enables the County to implement collections on populations as soon as departments are prepared to do so rather than waiting until the full collection system is in place. This will maximize restitution collection for victims while also protecting against collection errors.

### **Phase I**

**Population: Individuals on Mandatory Supervision pursuant to an AB 109 Split Sentence**

**Collecting Department: Probation**

**Targeted Implementation Date: January 26, 2016**

Departments plan to begin collecting restitution in January 2016 from individuals who are serving a mandatory supervision period of a split sentence. Based on an analysis of AB 109 sentences to county jail during three different months (November 2014, March 2015 and June 2015), the taskforce estimates that an average of six defendants per month receive a split sentence and an accompanying restitution order.

Given Probation's existing partnership with TTC to receive restitution payments for felony probationers, the taskforce is prepared to initiate collections with this population. A benefit of this approach is that the taskforce will have the opportunity to test information exchanges on a small population to troubleshoot any issues that may arise.

Phase I will launch January 26, 2016. District Attorney personnel will generate lists every two weeks of defendants who received a split sentence and a direct restitution order. Staff will compile

pertinent restitution order documents and information and transmit them to Probation's AB 109 Prerelease Center for the creation of the restitution record in Probation's Adult Probation System and CARS.

Upon a jail inmate's release to mandatory supervision, Probation will review the case for direct restitution obligations previously recorded based on notifications from District Attorney staff. Probation will also independently review new mandatory supervision cases after January 26, 2016 for orders that were made prior to then and had not been identified by District Attorney staff.

In cases with a restitution order, Probation staff will develop a restitution payment plan following an ability to pay assessment, consistent with current felony probation practices and previous reporting to your Board. Restitution payments collected will be disbursed to victims, also consistent with current felony probation restitution practices.

The District Attorney's Office advises that in addition to assisting victims, a benefit of Phase I collections is that it may remove an impediment to the use of split sentences. Currently, felony probation can be a preferred case disposition when restitution matters are present, as the County has no mechanism in place to collect from split-sentenced individuals. Phase I collections will address this issue, and the taskforce will monitor any subsequent impact on split sentence usage.

## **Phase II**

**Population: PRCS supervised individuals**

**Collecting Department: Probation**

**Targeted Implementation Timeframe: Spring of 2016**

The taskforce plans to begin restitution collection from individuals on PRCS in the Spring of 2016. An analysis by Probation of PRCS caseloads suggests that approximately 20 individuals are released by the California Department of Corrections and Rehabilitation (CDCR) to the County on PRCS with an existing restitution order each month.

Targeting the Spring of 2016 for Phase II collections will allow for the following issues to be addressed:

- **Coordination with Franchise Tax Board (FTB) Collection Efforts** – Currently, CDCR refers individuals who are leaving state prison and have an outstanding restitution order to the FTB for tax return intercept collection efforts. This referral is made for all prison releases.

With local collection from individuals on PRCS now authorized by law and planned in the County, it is critical to coordinate with CDCR to ensure PRCS cases are not referred to FTB, as concurrent collection processes would create a risk of over collection. The taskforce has discussed this issue with CDCR staff and will ensure appropriate coordination is in place prior to initiating Phase II collections. The District Attorney's Office is also sponsoring legislation to eliminate the possibility of double collection when counties implement a collection plan.

- **Collection History Information** – CDCR currently collects restitution from state prisoners with direct restitution orders. As a result, in-custody collection activity records for

individuals being released onto PRCS are needed to ensure that the County does not pursue collections beyond the actual remaining amount owed.

Probation and District Attorney staff have contacted CDCR to develop the process by which staff can obtain in-custody collection history. Similarly, Probation is reviewing processes to ensure that if any local collections had been made prior to an individual's sentence to prison (for example, while on felony probation prior to a revocation), those amounts are also deducted when collecting restitution from an individual on PRCS.

As the taskforce focuses on the implementation of Phase I collections, departments will simultaneously continue conversations with CDCR on resolution of these Phase II matters.

### **Phase III**

**Population: PC 1170 (h) In-Custody Population**

**Collecting Department: Sheriff**

**Targeted Implementation Timeframe: Early 2017**

Phase III will include restitution collection from AB 109 inmates sentenced to jail pursuant to PC 1170 (h). Based on a three-month analysis by the District Attorney's Office, it is estimated that approximately 40 individuals per month are sentenced to county jail per 1170 (h) with a restitution order.

As previously reported, this collection process will entail collecting 50 percent of each deposit into an AB 109 inmate's trust account when a direct restitution order exists, plus an additional 10 percent of the restitution payment amount for administrative costs.

Per your Board's direction, the taskforce convened a legal work group to generate the attached language to notify persons making deposits into inmate trust accounts about the potential reduction of each deposit for AB 109 sentenced inmates with victim restitution orders (Attachment B). The notification will be posted in multiple languages at the centralized location where the public makes deposits into inmate trust accounts. In addition, should the Sheriff choose to allow electronic deposits for inmate trust accounts online, the notification language would be posted on the website where deposits are submitted.

Initiating collections from the jail population in the final phase will allow information systems infrastructure needs to be fully addressed: the replacement and enhancement of CARS and the development of automated data exchanges among collaborating departments. The CARS replacement system is projected by the TTC to be operational in early 2017.

The longer-term, automated solutions are critical for ensuring appropriate tracking of restitution collections on individuals as they transition from one status to another. It is possible, for example, for an individual receiving a restitution order to be collected on as a probationer, in the jail following a revocation and sentence under 1170(h), then again in the community while on mandatory supervision. Centralizing all account information and collection history in CARS will ensure seamless collection efforts and prevent over-collection.

### **Administrative Fee**

As previously reported, the County will collect the statutorily allowed 10 percent administrative fee to support restitution collection efforts. In Phases I and II, Probation will serve as the only collecting department. As such, the administrative fees collected will support Probation's collection costs including reimbursement to TTC for CARS support. This use of administrative fees is consistent with current restitution collection practices for felony probationers.

Implementation of Phase III will introduce the Sheriff's Department as an additional collector of restitution and generate more shared costs and system wide resource needs. The taskforce will continue to weigh options for how to best manage the allocation of administrative fees to support an integrated collection system in Phase III and will provide recommendations to your Board prior to its implementation.

### **Conclusion**

The Restitution Collection Taskforce continues to plan restitution collections as authorized by your Board. Efforts to resolve coordination processes among agencies and build the information systems infrastructure needed are well underway.

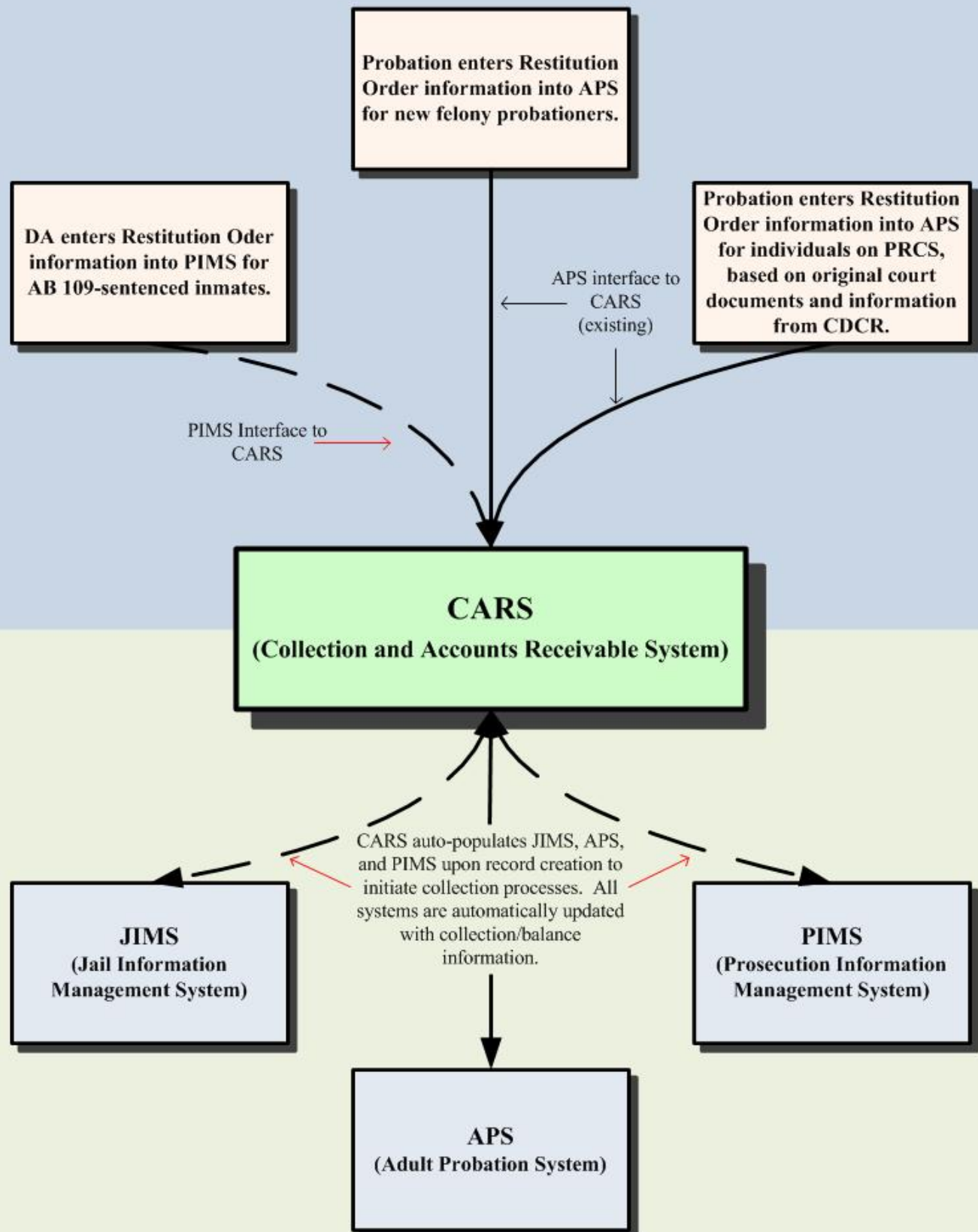
While implementation of a fully integrated, system wide collection process remains a longer-term goal, the phased approach discussed in this report will enable collections to begin in a timely, measured and fair manner. As collections in early phases are launched, departments will continue to refine process issues and estimates on resource needs to conduct full collections.

If you have any questions, please contact Lydia Bodin of the District Attorney's Office at (323) 357-5334 or Mark Delgado, Executive Director of CCJCC, at (213) 974-8399.

LB:MD:sv

### **Attachments**

c:     District Attorney  
       Sheriff  
       Chief Executive Officer  
       Acting Executive Officer, Board of Supervisors  
       County Counsel  
       Chief Probation Officer  
       Auditor-Controller  
       Treasurer and Tax Collector  
       Public Defender  
       Alternate Public Defender

**COUNTYWIDE TRACKING AND COLLECTION OF VICTIM RESTITUTION**

**INMATE DEPOSIT NOTIFICATION**

**NOTICE: SOME OF THE MONEY DEPOSITED INTO CERTAIN INMATE  
ACCOUNTS WILL BE TAKEN TO PAY VICTIM RESTITUTION**

When a defendant is convicted of a crime and a victim has suffered a loss, the Court may order the defendant to pay for the victim's loss. This is known as restitution. The law allows the Sheriff to take money from every deposit that is made to an inmate who owes victim restitution if the inmate is serving a prison sentence in county jail. This means that if you deposit money to an inmate who is serving a prison sentence in county jail, the Sheriff will deduct 50% of the money you deposit, plus an additional 10% administrative fee. Example: if you deposit \$100, \$50 will be taken to pay the victim restitution, \$5 to pay the administrative fee, and the remainder will go to the inmate's trust account.

(Penal Code section 1170 (h), Penal Code section 2085.5)